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Summary of the Doctoral Dissertation:

“Third party consent in civil law”

As a rule, the performance of a legal act does not require declarations of will from entities other than the parties to the act. Typically, a legal act is performed following the declaration or declarations of will of the party or parties to the act. However, sometimes the consent of a third party, i.e., a person who is not a party to the act, is additionally required. Article 63 of the Civil Code addresses such situations, providing a general regulation regarding the manner in which third-party consent should be expressed. This construction applies to many provisions established by the legislator within the current legal system that require obtaining third-party consent. Nevertheless, Article 63 of the Civil Code primarily regulates the timing, effects, and form in which third-party consent should be expressed.

The subject of this dissertation is therefore the issue of third-party consent in civil law and the comprehensive analysis of this construction. This doctoral thesis constitutes, on one hand, an attempt to systematically address the issues covered by Article 63 of the Civil Code along with a compilation of doctrinal views and case law. On the other hand, this analysis aims to identify common features for all provisions that require third-party consent, as well as to highlight existing differences. Given the above, the goal of the dissertation is to develop a general model regulation concerning third-party consent. Achieving this goal will be possible through the analysis of existing interpretative doubts arising from the application of Article 63 of the Civil Code and provisions requiring third-party consent, which will result in an assessment of whether it is possible and reasonable to develop a general model regulation in a given aspect.

The primary research goal, which is the development of a general model regulation concerning third-party consent, is inextricably linked with specific objectives, including:

1. Specifying the concept and function of consent in a broad and narrow sense;
2. Determining the legal nature of third-party consent and its refusal;
3. Analyzing the history of general regulations regarding third-party consent, including legislative drafts;
4. Defining the scope of the term "third party" within the meaning of Article 63 of the Civil Code;

5. Determining the scope of application of Article 63 of the Civil Code concerning the source of the obligation to obtain third-party consent;
6. Considering the form of third-party consent from the perspective of Article 63 of the Civil Code and provisions concerning third-party consent;
7. Discussing practical aspects related to the construction of third-party consent and the manner of its expression, particularly regarding:
 - a. the subject of consent and related issues, especially the possibility of expressing general (blanket) consent, specific consent, or partial consent;
 - b. the manner of expressing consent, by resolving the timing within which third-party consent may (or must) be expressed, who can express consent, and to whom it should be communicated;
 - c. determining whether the third party has full discretion in expressing consent and whether (and if so, when) the third party can change a decision regarding refusal or expression of consent once communicated;
8. Analyzing the types of consequences and effects that third-party consent brings, as well as the lack of consent, with particular emphasis on the sanction of suspended ineffectiveness and the possibility of resolving the associated state of uncertainty.

The dissertation primarily focuses on Polish civil law, but it also includes an analysis of German legal provisions and views expressed in German civil law doctrine. The ultimate outcome of the research is the presentation of conclusions *de lege lata* and *de lege ferenda*, including in particular the proposal of a model regulation concerning third-party consent, which, as a rule, could apply to all provisions establishing the requirement to obtain third-party consent.